

Remarks

By the foregoing Amendment, claims 14-20 and 26 have been amended in light of the Examiner's objections, claim 21 has been amended, and claim 31 has been added. Applicant respectfully submits that new claim 31 is allowable according to paragraph 9 of the Official Action, as it combines the limitations of independent claim 21 and dependent claim 22. Applicant further respectfully submits that no new matter has been added by this Amendment and entry and favorable consideration thereof is earnestly requested.

The Examiner has rejected claims 13-15, 20-21, and 23-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,732,722 to Norem et al. ("Norem"). The Examiner has also rejected claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable under Norem in view of U.S. Patent No. 4,330,933 to Bullinger et al. ("Bullinger"). These rejections are respectfully traversed.

Claim objections

Applicant has amended claims 14-20 and 26 in accordance with the Examiner's objections presented in paragraph 2. Applicant submits that as a result of these changes claims 26-30 are allowable as per the Examiner's comment in paragraph 10. Applicant submits that claims 14-20 are also now allowable, as explained in the following traversals of the Examiner's rejections.

Claim rejections

Claim 13

Norem does not anticipate claim 13 under 35 U.S.C. § 102(b) because Norem does not disclose, teach, or suggest all of the elements of claim 13. Additionally, it would not be obvious to one skilled in the art to modify Norem to obtain

the invention described in claim 13, and therefore, Norem does not render claim 13 obvious under 35 U.S.C. § 103(a).

Applicant respectfully disagrees with the Examiner that Norem discloses an upper housing member and a lower housing member. The Examiner suggests that the top disc 64, wall 60 (although the Examiner cites element 62, Applicant believes the Examiner is referring to element 60), and material holding chamber 12 form the upper housing member, and that the lower disc 94 forms the lower housing member. The elements referred to are better characterized as forming two of the cavities of a single housing member, cylindrical member 60. As shown in Figures 1 and 2, the Norem material holder is built within cylindrical member 60, which is partitioned into various cavities, including: the top cavity 18, the cavity filled by winding 72, and the cavity filled by winding 86. On the other hand, claim 13 of the present invention relates to a three-piece material housing. With reference to Figure 4, it can be seen that upper housing 44, intermediate housing 46, and lower housing 48 are constructed as separate units so that upper housing 44 and lower housing 48 can be fit into intermediate housing 46. These, therefore, are correctly characterized as separate housings, as opposed to the cavities of Norem, which are gaps within a single housing member.

Further, it would not be obvious to one skilled in the art to modify the Norem device to embody an upper housing member and a lower housing member, because Norem teaches away from a material holder comprising a distinct upper housing member and lower housing member. As explained, Norem teaches using a single cylindrical housing 60, which is divided into cavities by inserting discs 64, 92, and 94 into the housing 60. In the material holder of Norem, distinct upper and lower housing members are unnecessary, as the various chambers are defined within single cylindrical housing 60. In order to make use of an upper housing member and a lower housing member in the material holder of Norem, one skilled in the art would have to: (1) abandon use of the cylindrical housing 60; (2) add an

intermediate housing member capable of being attached to an upper housing member and a lower housing member; (3) abandon use of discs 64, 92, and 94; and (4) add an upper and lower housing attachable to the intermediate housing member. Norem, however, provides no motivation for any of these changes, as Norem consistently teaches using cylindrical housing 60 and discs 64, 92, and 94 to define the chambers. Norem does not provide any motivation for using separate housing members attachable to each other. Making these changes would be akin to completely abandoning the teachings of Norem, and would not be obvious to one skilled in the art.

Applicant also respectfully disagrees with the Examiner that Norem discloses an upper recess and a lower recess. Norem, as illustrated by Figure 2, discloses a cup 12 with cylindrical housing 60 to which top disc 64, intermediate disc 92, and bottom disc 94 are welded. (Col. 4, lines 54-61). The three discs form two internal cavities (in addition to the top cavity 18) to contain windings 72 and 86. Examiner discloses that these gaps, filled by the windings, and the upper (64) and lower (94) discs form the recesses. Applicant respectfully submits that Examiner is mistaken. The upper and lower recesses of claim 13 of the Application hold the upper and lower housing members to the intermediate housing member; the recesses themselves do not hold the windings. These recesses are not present in Norem, and are in fact unnecessary in Norem, because Norem does not contain three separate housing members, but rather a single housing member divided up into cavities.

Still further, it would not be obvious to one skilled in the art to modify Norem to embody an upper recess and a lower recess. Since Norem teaches using discs 64, 92, and 94 to create cavities within a single cylindrical holder 60, there is no need for or motivation to create any recesses to allow for the attachment of separate housing members. Distinct upper and lower housing members can serve no purpose in the material holding of Norem.

As Norem doesn't disclose, teach, or suggest an upper housing member, lower housing member, upper recess, or lower recess, Norem does not anticipate claim 13 under 35 U.S.C. § 102(b). Further, Norem teaches away from adding these limitations of claim 13, and therefore does not render claim 13 obvious under 35 U.S.C. § 103(a).

Claims 14-15 and 17-20

Since Norem does not anticipate claim 13 under 35 U.S.C. § 102(b), and claims 14-15 and 17-20 are dependant on claim 21, Applicant respectfully submits that claims 14-15 and 17-20 are also unanticipated. Similarly, since Norem does not render claim 13 obvious under 35 U.S.C. § 103(a), and claims 14-15 and 17-20 are dependant on claim 21, Applicant respectfully submits that claims 14-15 and 17-20 are also non-obvious.

Claim 21

Norem does not anticipate claim 21 under 35 U.S.C. § 102(b) because Norem does not disclose, teach, or suggest all of the elements of claim 21. Applicant respectfully submits that claim 21 has been amended to require that the housing member define "a first closed cavity" and a "second closed cavity." Applicant further respectfully submits that Norem does not disclose "a three-piece housing consisting of an upper member, an intermediate housing member and a lower housing member, the three piece housing defining a first closed cavity and a second closed cavity" as required by claim 21. The language "consisting of" is closed language, and thus requires that the housing be exactly three pieces. The Examiner submits that the three-piece housing is anticipated by the top disc 64, intermediate disc 92, and bottom disk 94 of Norem. Applicant respectfully submits that these three pieces cannot define two closed cavities, as required by the three-piece housing of claim 21. These three discs, absent cylindrical housing 60, can-

not define any cavities. Further, if the three discs 64, 92, and 94, and cylindrical housing 60 are taken as a group, no three of these four elements can define two closed cavities. Instead, the cylindrical housing 60 combined with two of the three discs can define at most one closed cavity, along with one or two open cavities. As Norem doesn't disclose, teach, or suggest a three-piece housing defining two closed cavities, Norem does not anticipate claim 21 under 35 U.S.C. § 102(b).

Further, it would not be obvious to one skilled in the art to modify Norem to obtain the invention of claim 21. As shown in Figures 1 and 2, the Norem teaches building a material holder within a single cylindrical member 60, which is partitioned into various open and closed cavities by discs 64, 92, and 94. This cylindrical member 60 is the central piece of the material holder in Norem, as without it nothing would be held together and there would be no way to hold any material or either of the windings 72 and 86. In order to obtain the invention of claim 21, one would have to replace this cylindrical holder with a piece resembling the intermediate housing member of the Application (see, for example, intermediate housing member 46 of Figure 4). Norem, in using cylindrical holder 60, teaches away from using such an intermediate housing member. Accordingly, Norem does not render claim 21 obvious under 35 U.S.C. § 103(a).

Claims 23-25

Since Norem does not anticipate claim 21 under 35 U.S.C. § 102(b), and claims 23-25 are dependant on claim 21, Applicant respectfully submits that claims 23-25 are also unanticipated. Similarly, since Norem does not render claim 21 obvious under 35 U.S.C. § 103(a), and claims 23-25 are dependant on claim 21, Applicant respectfully submits that claims 23-25 are also non-obvious.

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Response to Official Action

It is respectfully submitted that claims 1-31, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,



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